DURHAM, NORTH CAROLINA MONDAY, FEBRUARY 19, 2007 7:00 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden, Council Member Brown, Council Member Clement, Council Member Stith and Council Member Woodard. Excused Absence: Council Member Catotti.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to excuse Council Member Diane Catotti from the February 19, 2007 City Council Meeting was approved at 7:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. Regarding Consent Agenda Item # 1 [2007 Legislative Program] City Manager Baker requested that Section II. General Law, Item 2. [Registration of Residential Rental Property] be referred back to the administration for further discussion. He made comments on Supplemental Agenda Item #35 [Youth Service America/Bubel Aiken Foundation Grant Award.

MOTION by Council Member Brown seconded by Council Member Stith to approve the City Manager's priority items was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

There were no priority items from City Attorney Blinder.

City Clerk Gray informed Council that a valid protest petition has been filed against GBA #26 [Garrett Ridge Multi-Family, Z06-43].

MOTION by Council Member Woodard seconded by Council Member Stith to approve the City Clerk's priority item was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown,

Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

CEREMONIAL ITEMS/ANNOUCEMENTS BY CITY COUNCIL

Mayor Bell presented Certificates of Appreciation to Marcella Wyler, Diana Riley and Hiram Francis McNair for their heroic effort in saving the life of Christine Redmond during an accident at the New Hope Creek and a Certificate of Appreciation to Patience Aileen Coleman.

Mayor Bell read the following proclamations proclaiming Shepard I B Middle School and Rogers-Herr Ram Basketball Day.

Mayor Pro Tempore Cole-McFadden noted she attended the Hillside Drama Club performance of Joy's Story which featured Krystin McCauley a member of the Durham Youth Council, congratulated Mykia Johnson also a member of the Durham Youth Council on receiving the Youth Award at the Durham Human Relations Banquet along with a four-year scholarship to NCCU which was offered to her at the same event by Chancellor Ammons. Also, she commented on her attendance at the 11th Positive Direction for Youth Conference, the African Ballet Dance held at the Carolina Theatre and noted attention should be focused on repairing that historic facility.

Council Member Woodard made comments on his attendance at the preview of the Full-Frame Documentary Film Festival and congratulated everyone involved with this event; commented on the week-long program celebrating Human Relations Week and congratulated everyone involved with this effort.

Council Member Clement commented on the Human Relations Banquet and awardees-Mykia Johnson and Chancellor Ammons for receiving the Carlie B. Sessoms Award, etc. He also urged Mayor Bell to present Chancellor Ammons with a Key to the City before he leaves for Tallahassee, Florida.

Council Member Brown made comments on Police Officer Charles Callemyn who died in the line of duty.

Mayor Bell noted he would not be able to attend the funeral for Police Officer Callemyn due to a prior commitment, but acknowledged a Proclamation Memorializing Police Officer Callemyn was prepared.

Mayor Pro Tempore Cole-McFadden congratulated staff on the Employee Recognition Luncheon and Kendrick Vann recipient of Diversity Change Agent Award named in her honor.

CONSENT AGENDA

Mayor Bell asked if any citizens or council members wanted to pull any items from the Consent Agenda. Consent Agenda Items 1 [2007 Legislative Program], 14 [Amendment to the Workforce Investment Act Contract with General Management Solutions, Inc. [GMSI] for Adult and Dislocated Worker Services and 20 [Update on Implementation of the 10-Year Plan to end Homelessness in Durham] were pulled.

MOTION by Council Member Stith seconded by Council Member Woodard to approve the Consent Agenda as amended was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Audit Services Oversight Committee - Receipt and Acceptance of an Application

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Audit Services Oversight Committee for a member to represent the Business Community with a term to expire on April 1, 2010 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Durham Planning Commission - Receipt and Acceptance of an Application

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept an application to fill one (1) vacancy on the Durham Planning Commission to represent District 3 with a term to expire on June 30, 2008 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Durham Area Transit Authority - Receipt and Acceptance of an Application

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Area Transit Authority for an Alternate Member with the term to expire on March 1, 2010 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Bid Report - December 2006

MOTION by Council Member Stith seconded by Council Member Woodard to receive a report and to record into the minutes bids which were acted upon by the City Manager

during the month of December 2006 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Date: January 3, 2007

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager

Kenneth C, Pennoyer, Finance Director

From: Joseph W. Clark, Purchasing Manager

Subject: Bid Report – December 2006

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **December 2006.**

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Estimated Requirements for Police Concealable Body Armor

Purpose of Bid: To provide the Police Department with Protective Body Armor

(10 each Level II @ \$415.87 and 77 each Level III @ \$487.47)

Comments: The Police Department Uniform committee evaluated and

examined the sample vests submitted with the bids. The bids received from Milli Micro and First Choice Armor did not meet

specs.

Opened: November 30, 2006

Bidders: Milli Micro Systems (does not meet specs) \$30,918.24

Van Nuys, CA

First Choice Armor (does not meet specs) \$38,150.00

Spindale, NC

Southern Public Safety *\$41,693.89

Greensboro, NC

Lawmen's Safety \$41,956.00

Raleigh, NC

Arrington Police \$42,042.13

Greensboro, NC

Protective Products \$42,130.00

Sunrise, FL

*Awarded based on:	Low Bid	X Other	(See Comments)	

	WORKFORCE STATISTICS
(CORPORATION STATISTICS

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Total Workforce	12		# Black Males	0	0%
Total # Females	9	80%	# White Males	9	80%
Total # Males	3	20%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	15%
			# Other Females	1	5%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Little River Dam Fence

Purpose of Bid: To provide security/safety fence for the Little River Dam Spillway

Comments:

Opened: November 30, 2006

Bidders: Seegars Fence Company *\$22,240.00

Raleigh, NC

Dickerson's Fencing \$22,612.00

Durham, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS CORPORATION STATISTICS

Total Workforce	23		# Black Males	3	13%
Total # Females	2	9%	# White Males	6	26%
Total # Males	21	91%	# Other Males	12	52%
			# Black Females	0	0%
			# White Females	2	9%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Cardio/Weight Equipment for Police/Training

Purpose of Bid:

Comments: Federal Asset Forfeiture Funds are being used for this purchase

Opened: December 11, 2006

Bidders: US Fitness Products *\$12,131.94

Raleigh, NC

Promaxima Mfg., LTD \$12,872.00

Houston, TX

Superior Fitness Systems \$17,516.00

Charlotte, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS CORPORATION STATISTICS

Total Workforce	16		# Black Males	5	30%
Total # Females	3	20%	# White Males	5	30%
Total # Males	13	80%	# Other Males	3	20%
			# Black Females	0	0%
			# White Females	1	05%
			# Other Females	2	15%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

Subject: Bids - Estimated Annual Requirements for Sodium Hypochlorite (545,000 Gallons) - JCI Jones Chemicals, Inc.

MOTION by Council Member Stith seconded by Council Member Woodard to accept the bid from JCI Jones Chemicals, Inc., in the amount of \$325,365.00 for providing the City with its estimated annual requirements for sodium hypochlorite;

To authorize the City Manager to enter into a contract with JCI Jones Chemicals, Inc., in the amount of \$325,365.00 for providing the City with its estimated annual requirements for sodium hypochlorite; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at

7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Major Site Plan- NC Specialty Hospital Parking Expansion (D06-490) - 3916 Ben Franklin Boulevard

MOTION by Council Member Stith seconded by Council Member Woodard to approve a major site plan for "NC Specialty Hospital-Parking Expansion," submitted by Stewart Engineering, on behalf of NC Specialty Hospital, LLC, for a 20,762 square foot parking addition with 69 parking spaces for an existing 49,005 square foot medical facility on 6.16 acres zoned GC (D), OI (D), and F/J-B; the site is located at 3916 Ben Franklin Boulevard, on the southeastern corner of Ben Franklin Boulevard and William Penn Plaza; PIN 0833-13-04-4574-6698 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Harmony Road Street Closing - Set Public Hearing on the Closing of 2,675.53 Linear Feet Portion of Harmony Road (SC06-04)

MOTION by Council Member Stith seconded by Council Member Woodard to adopt a Resolution to set a public hearing on the proposed closing of a portion of Harmony Road for March 19, 2007 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Resolution #9437

Subject: Ardmore/Harmony Road Street Closing - Set Public Hearing on the Closing of 1,125.78 Linear Feet Portion of Ardmore Drive and 153.71 Linear Feet of Harmony Road (SC06-06)

MOTION by Council Member Stith seconded by Council Member Woodard to adopt a resolution to set a public hearing on the proposed closing of a portion of Ardmore Drive and Harmony Road for March 19, 2007 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Resolution #9438

Subject: Water and Sewer Extension Agreement with Durham (East) Retail Investments, LLC - Glenn View Station

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Durham (East) Retail Investments, LLC to serve Glenn View Station was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Revised Water and Wastewater Capital Improvement Project Ordinance FY 2006-07 - United States Environmental Protection Agency Special Appropriations Project

MOTION by Council Member Stith seconded by Council Member Woodard to rescind the United States Environmental Protection Agency Special Appropriations Project Grant Ordinance, FY 2006-07, the same being Ordinance # 13277; and

To adopt an Ordinance Amending the Water and Wastewater Capital Improvements Project Ordinance, Fiscal Year 2006-07, as amended, the same being Ordinance #13272, for the purpose of adding the Environmental Protection Agency Special Appropriations for an amount up to \$530,400.00 to the Water Supply Facilities Improvements project was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13379

Subject: Sub-Recipient Agreement with the County of Durham - The Durham Center Independent Living Initiative - HOME Funds

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a sub-recipient agreement with the County of Durham - the Durham Center Independent Living Initiative;

To authorize the expenditure of HOME funds in an amount not to exceed \$100,000.00; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Lease Agreement for a Portion of Weaver Street Park from the Durham Housing Authority

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute the agreement to lease approximately 3.47 acres of Weaver Street Park (PIN # 0820-10-46-7259 and PIN # 0820-11-56-2771) from the Durham Housing Authority; and

To authorize the City Manager to make changes to the agreement, prior to execution, provided such changes do not increase the rental fee or change the intent of the agenda memorandum was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Contract Amendment #2 to the Contract for Yard Waste Operations Grinding and Screening Services - Durham & King & Martin Properties, LLC

MOTION by Council Member Stith seconded by Council Member Woodard to adopt an Ordinance Amending the FY 2006-2007 Budget of the City of Durham by appropriating \$300,000.00 from the Solid Waste Disposal Fund;

To authorize the City Manager to execute Amendment # 2 to the contract between the City and Durham and King and Martin Properties, LLC, which extends the contract through December 31, 2008, to grind, screen, load, haul and dispose yard waste and other material (municipal solid waste and dirt as needed); and

To authorize the City Manager to modify the contract if necessary before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract authorized by the City Council was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13380

Subject: Joint Metropolitan Planning Organization Special Advisory Commission for Transit - Appointments

MOTION by Council Member Stith seconded by Council Member Woodard to nominate up to two citizens to serve on the Joint Metropolitan Planning Organization Special Advisory Commission for Transit was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Amendment to the Parking Lease Agreement for the North Garage between the City of Durham and American Campus, LLC

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute an amendment to the Parking Lease Agreement for the North Garage between the City of Durham and American Campus, LLC to remove restrictions on the City's power to lease North Deck "Public Spaces" (as that expression is defined in that agreement) for periods of time longer than one month was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Durham Athletic Park Renovation Project-Exemption from NCGS § 143-64.31

MOTION by Council Member Stith seconded by Council Member Woodard to adopt a resolution, pursuant to N.C. General Statute §143-64.32, exempting the Durham Athletic Park Renovation Project from NC General Statute 143-64.31 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Resolution #

Subject: Youth Service America/Bubel Aiken Foundation Grant Award

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to accept the Youth Service America and the Bubel Aiken Foundation Grant by executing the grant documents; and

To adopt the Youth Service America and the Bubel Aiken Foundation Grant Project Ordinance; in the amount of \$1,000.00 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13381

[GENERAL BUSINESS AGENDA]

<u>Subject: Confirmation of Assessment Roll - Sewer Main on Broach Road from Pennock Road to Mockingbird Lane</u>

Engineering and Stormwater Manager Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Stith to receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Broach Road from Pennock Road to Mockingbird Lane was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Confirmation of Assessment Roll - Sewer Main on Hillock Place

Due to an objection, Engineering and Storm Water Manager Lee Murphy requested that Council confirm the assessment except for the County of Durham property, continue the public hearing for that assessment without further advertising and refer that assessment to a future Council Work Session for further consideration.

Mayor Bell opened the public hearing. There being no further objections, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Hillock Place from the West Property Line of Tax Map 821-1-6 to the North Property Line of Tax Map 821-1-7H except for the County of Durham property, continue the public hearing on that assessment without further advertising to a future City Council Work Session for further consideration was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

<u>Subject: Transit Coordination Inter-local Agreements - Triangle Regional Call</u> Center & Triangle Seamless Service Paratransit Program

City Manager Baker informed Council that the DATA Board endorsed this item at a recent meeting.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute the interlocal agreement for the Triangle Regional Call Center and the interlocal agreement for implementing a Triangle Seamless Service Paratransit Program; and

To authorize the City Manager to make modifications to the interlocal agreements so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 7:44 p.m. by the following vote: Ayes:

Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Subject: Public Hearing to Amend the FY 06-07 Annual Action Plan

Community Development Associate Director Larry Jarvis outlined the purpose of this item. He noted Homeownership Assistance has been added as an approved activity for the use of Community Development Block Grant funds in order to increase the funding for homeownership assistance at Eastway Village, because the original budget for Eastway does not include enough money to provide the 2nd mortgage loans to all 47 units and to drawdown those funds.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments to amend the FY 06-07 Annual Action Plan and to approve the amendment was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

<u>Subject: Zoning Map Change - Lowe's at Martin Luther King, Jr., Parkway (Z06-09) - Lowe's Home Improvement Centers, Inc.</u>

To receive public comments on the zoning map change for Lowe's at Martin Luther King, Jr. Parkway (Z06-09);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-09 out of RS-20 and CN and placing same in and establishing same as CG(D), RS-M(D) and OI(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Staff recommends approval, based on the consistency with the Comprehensive Plan and the information contained within the staff report.

Planning Commission Recommendation and Vote: Approval, 7-4 on December 12, 2006. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the governing body approve the pending plan amendment; the ordinance request will then be in compliance with the revised Comprehensive Plan. The Commission believes this request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing including the proffer of additional committed elements.

City/County Planning Director Frank Duke informed Council he has all the required certifications required under North Carolina law and all the Planning Department items on tonight's agenda were appropriately noticed. He briefed Council on the zoning map change, reported there is a development plan associated with this request, and a number of committed elements found on page 2 of the staff report to include: a commitment on the total amount of square footage of improvements on the out parcels; landscaping along Martin Luther King Jr., Parkway will incorporate materials used in the median that the City has already installed; the applicant will provide a planted evergreen screen along the northern portion of the site, the anchor store will provide screening around the appliance and pallet trailer storage areas on the exterior; a provision concerning the height of townhomes; provision dealing with contributions to the homeowners association within the townhome section to be used for acquiring recreational equipment for open space; maximum number of units; bus shelter; contribution to the City for bike lane signage and pedestrian caution signage, traffic improvements along Fayetteville Street at the Martin Luther King, Jr. Parkway intersection, Barbee Road, Fayetteville/Martin Luther King, Jr. Parkway at Stratford Lakes Lane, and project entrance ways. He noted the request is consistent with the Comprehensive Plan, staff is recommending approval and the Planning Commission recommended approval.

The Mayor asked to be recused from participation regarding this item since the company he works for owns property along Fayetteville Road and the applicant has proposed to purchase property from UDI/CDC for this project.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

Proponents

Patrick Byker, representing the applicant, gave a power point presentation commenting on the project which highlighted the site, landscape plan, Lowe's Store--facade, elevation, job opportunities, local retail sales tax revenues, traffic--peak hour comparison, Traffic Impact Analysis [TIA] findings, road improvements that Lowe's will be paying for to include: dedicated turn lane, dual left-turn lanes, double south bound lanes, dedicated right-turn lane; Fayetteville Road at Martin Luther King, Jr. Parkway and level of service. In summary, he noted the rezoning will provide good jobs, fine landscaping,

and better roads for this section of Durham. Finally, he urged Council to support this request.

Thelma Glenn White, of 1015 Jerome Road and representing Emorywoods Community Association, stated the neighborhood is in support of the Lowe's project; however, they want assurance that if Lowe's decide not to build on this site that no other development would come to that site before it comes back to Council and the surrounding communities to receive their approval. She noted they are happy about having two sit-down restaurants, but are opposed to any drive-thru--drug stores, gas stations or fast foods. She asked everyone to stand who was in support of Lowe's.

Bernice Johnson, of 507 Tuggle Street and representing Reconciliation United Methodist Church, spoke in support of the Lowe's project for the following reasons: She noted they would be a good neighbor, convenience in the area, enhancement at the corner of Martin Luther King, Jr. Parkway and Fayetteville Street will be a great difference in terms of aesthetics, economic development, jobs, sit-down restaurants will be a convenience, improvement in the traffic pattern, and add beautiful diversity in that corner. She asked Council to support this project.

Janeen Gammage, of 602 Red Carriage Avenue and representing Ivy Community Center Corporation/AKA, made comments on the property owned at 4418 Fayetteville Road and spoke in support of this rezoning which will allow them to continue and expand their community service programs with the new building and adequate parking. She urged Council to support their good works in the community and this rezoning request.

No one spoke in opposition to the zoning map change.

City/County Planning Director Frank Duke stated the additional proffer offered by the applicant: The developer has agreed to dedicate to the City of Durham or to NCDOT if directed by the City all of the property between Fayetteville Road and the American Tobacco Trail that it has under contract as of February 19, 2007 which consists of property contained within the following property identification #s 0729-01-99-5754; 0729-02-87-1157; 0729-02-76-4205 and 0729-02-75-2868. Such dedication shall occur prior to the issuance of any certificate of compliance on the site.

Patrick Byker, representing the applicant, noted he agreed with the additional proffer stated by Mr. Duke.

Regarding the last proffer, Council Member Stith asked the applicant to clarify that Lowe's will be responsible for the right of way to do road improvements and expressed concern that there is no committed element regarding the two sit-down restaurants.

Patrick Byker, representing the applicant, replied that's correct; we still have right-ofway to acquire but certainly everything we have, we have committed to dedicate.

After discussion concerning sit-down restaurants, it was indicated Committed Element #1

addresses the issue which indicates that no fast food restaurants with drive-thru windows will be allowed on the out parcels.

Council Member Brown asked the developer questions regarding the uniqueness of Lowe's architectural enhancements; landscaping, design guidelines and traffic.

Regarding the exterior, City/County Planning Director Frank Duke noted there is not a committed element highlighting the material will be predominately brick.

Patrick Byker, representing the applicant, noted the applicant will insert the wording predominately brick for the materials.

City/County Planning Director Frank Duke read for the record the revised wording that was added to the design guidelines: exterior materials will be predominately traditional brick.

Wesley Parham, of the Transportation Department, stated there are no funded city or state projects to make these improvements if they are not made by the private sector at this time.

Mayor Pro Tempore Cole-McFadden closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the zoning map change for Lowe's at Martin Luther King, Jr. Parkway (Z06-09);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-09 out of RS-20 and CN and placing same in and establishing same as CG(D), RS-M(D) and OI(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:20 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Abstention: Mayor Bell. Excused Absence: Council Member Catotti.

Ordinance #13382

<u>Subject: Zoning Map Change - Simko Property (Z06-21) Page Road South of T. W.</u> Alexander Drive and North of Smallwood Drive - Toll Brothers, Inc.

To receive public comments on the zoning map change for Simko Property (Z06-21);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-21 out of RR and placing same in and establishing same as PDR 6.790; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 9-3 on December 12, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on inadequate provision of facilities in the development plan, impacts on sensitive environmental areas, excessive impact on schools and the impact on the future thoroughfare location.

City/County Planning Director Frank Duke briefed Council on the staff report. He noted there is a development plan associated with this rezoning with a number of committed elements shown on page 2 of the staff report that include: a maximum number of units, road improvements on Page Road, including dedication of right-of-way. Also, he gave an overview of the additional committed elements that have been proffered by the applicant to include: a provision to provide for an approved area approximately one half acre in size comprised of contiguous usable open space containing improvements such as walking paths and seating areas prior to the 100th certificate of compliance; to provide the homeowner's association with \$20,000 prior to the 100th certificate of compliance so that the homeowner's association can determine what kind of equipment they would like to have in the usable open space; impervious surface shall not exceed 60% exclusive of any impervious surface utilized for pedestrian or greenway walkways, a minimum of 20% of the site greater than ordinance requirements as open space; steep sloop areas will have limited disturbance; provide an all-weather pedestrian walkway to ensure connectivity with sidewalk infrastructure in the greenway that will be field located at the time of site plan; tree replacement area as shown on the development plan in the area labeled open space tree coverage tree replacement with allowances for variances or variations in depth from those shown of not more than plus or minus 40%; prior to the issuance of the 100th certificate of compliance the applicants will make a donation of

\$25,000 to Durham Public Schools for public school provision to be credited against any impact fees that might be in place at the time. He noted the request is consistent with the Comprehensive Plan, staff is recommending approval and the Planning Commission recommended denial finding that while the request is consistent with the Comprehensive Plan they did not believe this request is reasonable or in the public interest in light of the information in the staff report. Also they recommended denial based on inadequate provision of facilities in the development plan, impacts on environmental areas, excessive impact on schools and the impact on the roads.

Mayor Bell opened the public hearing.

Proponents

Cara Lacey, representing the applicant, spoke in support of this item. She noted since the Planning Commission meeting on December 12th, this site and proffered committed elements have considerably changed. As a result, additional committed elements have been proffered to address concerns raised: impacts on environmentally sensitive areas-Committed elements, 5, 7, 8-11, inadequate provision of facilities in the development plan--committed elements 5 and 6; impacts in public schools--committed element 12, bus shelter does exist, aviation extension right of way and eastern buffer. She made a power point presentation which highlighted the context of the site, surrounding existing and proposed neighborhoods; development plan; density study; illustrative plan; and the missing piece making up the whole. She noted with the planning of the project, project design, addressing all of the Planning Commission's concerns and the newly proffered committed elements, the applicant has worked to address every element of this project to remain consistent with all plans and ordinances in bringing a great project to Durham.

David Neill, representing the applicant, noted he was yielding his time to answer questions.

No one spoke in opposition to this zoning map change.

Discussion was held on committed elements outlined in the power point presentation and the bus shelter.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the zoning map change for Simko Property (Z06-21);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-21 out of RR and placing same in and establishing same as PDR 6.790; and

To adopt as support for its action on the proposed zoning map change the determinations

that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13383

<u>Subject: Zoning Map Change - Garrett Ridge Multi-Family (Z06-43) - 4904 Garrett Road - Rusty Roll, Jr.</u>

To receive public comments on the zoning map change for Garrett Ridge Multi-Family (Z06-43);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-43 out of RS-20 and placing same in and establishing same as RS-M(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 10-2 on December 12, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing including the proffer of additional committed elements.

Mayor Bell stated the City Clerk has notified Council that a valid protest petition has been filed against this zoning map change.

City Attorney Blinder noted six votes would be needed to approve this item since there is

a valid protest petition filed against this item.

City/County Planning Director Frank Duke briefed Council on this zoning map change. He noted there is a development plan associated with this request and the committed elements are found on page 2 of the staff report to include: maximum number of dwelling units is 36, minimum open space area is 24%; 15-501 bottomlands and the FEMA 100-year fringe area will be retained as permanent undisturbed open space except for clearing for a utility easement; provide mulched or all-weather pedestrian trail connecting development with a sewer easement; a provision for a gazebo and two benches as part of the equipment for useable open space provided before the issuance of the 20th certificate of occupancy; 3-foot tall vegetated berm along Garrett Road frontage with 150 percent of the plant material required for a 40% opacity buffer; no parking within 25 feet of the Garrett Road right-of-way; any required stormwater quality detention basis will be built as a wetland type pond or a bioretention basis; dedication of 15-foot right-of-way along Garrett Road frontage; construction of left-turn lane at Garrett Road, and bus shelter within one quarter mile of the frontage of the site subject to DATA approval.

Mr. Duke noted there are two revisions to committed elements in the staff report: Committed element # 3 -- 15/501 bottomlands -- the applicant is indicating that there would be only one utility easement to accommodate the storm water and sanitary sewer impact instead of multiple easements. Regarding committed element #10, the applicant is providing a left-turn lane into their site, but also an opposing left-turn lane in order to accommodate the place of worship. He noted the request is consistent with the Comprehensive Plan; staff is recommending approval, and the Planning Commission recommended approval.

Mayor Bell opened the public hearing.

Proponents

Kenneth Wrenn, representing the developer, spoke in support of this zoning map change. He made comments on the conceptual plan, stated there was no opposition from the neighbors, commented on vehicle traffic improvements, bus shelter, buffer, open space, pedestrian connectivity, and stormwater. He stated there are at least nine committed elements proffered on the development plan that exceed the requirements of the ordinance and the general expectations of the Planning staff with some committed elements being added. He urged Council to approve this request.

Ralph Neal, of 3315 Medford Road, spoke in support of this item on behalf of the property owners who are sick. He noted the proceeds of the sale will sustain them for a few more years.

David Frost, representing Eno River Unitarian Fellowship, noted they submitted the protest petition; however, he is speaking in favor of the development because the committed elements have changed to allow for the left-turn lane into their property. He reported the developer has worked with them, added the committed element late, but too

late for them to withdraw the protest petition.

Todd Lincoln, of 3080-F Colony Road, made comments on the property owners who are not doing well and spoke in favor of this project.

Leon Beddingfield, of 3733 Swarthmore Road, representing the applicant, spoke in support of this project noting it is a win, win for the family, community and the City.

Sue Khorasanee, of 4812 Garrett Road, spoke in favor of this zoning map change. She requested that the protest petition be withdrawn at this time.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

City/County Planning Director Frank Duke informed Council that individuals who signed the protest petition have indicated there issues have been addressed.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the zoning map change for Garrett Ridge Multi-Family (Z06-43);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-43 out of RS-20 and placing same in and establishing same as RS-M(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13384

Subject: UDO Text Amendment Technical Changes II (TC06-06)

City/County Planning Director Frank Duke briefed Council on the series of technical changes. He noted 28 separate issues have been identified, and the Planning Commission, Board of Commissioners and staff all have recommended approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments on the Unified Development Ordinance (UDO) Text Amendment Technical Changes II (TC06-06); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating technical revisions to Articles 3, Applications and Permits; 5, Use Regulations; 6, District Intensity Standards; 7, Design Standards; 8, Environmental Protection; 9, Landscaping and Buffering; 12, Infrastructure and Public Improvements; 14, Nonconformities; and 16, Definitions was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13385

<u>Subject: Street Renaming - Holiday Drive to Page Creek Lane (SN06-05) - Hilton Raleigh-Durham @ RTP</u>

City/County Planning Director Frank Duke briefed Council on the street renaming. He outlined why the Hilton wanted to change the name from Holiday Drive to Page Creek Lane, reported they went through the street re-naming process, the required public hearing was attended by one citizen and the name of the street has been reviewed by all of the requiring agencies. Mr. Duke stated it has been determined that there is no duplication and staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on renaming Holiday Drive to Page Creek Lane; and

To approve the request to rename Holiday Drive to Page Creek Lane located at the intersection with Creekstone Drive, north of Page Road and west of Interstate 40 was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

<u>Subject: Street Closing - A 298 Linear Foot Portion of Fay Street from the Intersection of East Geer Street to the Intersection of Cheek Road (SC05-17) - City of Durham General Services</u>

City/County Planning Director Frank Duke briefed Council on the street closing noting the request was filed by the City of Durham in order for the DATA Maintenance Facility to obtain its final Certificates of Occupancy. He noted the request has been reviewed by

all reviewing agencies and so long as the required easements for utilities are retained within the right of way, no entity had any concerns with the closing and staff is recommending approval conditioned on the recombination plat to ensure there are no land lot parcels which has been done in conjunction with the site plan for the Fay Street DATA complex as well as the maintenance of the required easements that are needed to maintain the utility service.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the closing of a 298 linear foot portion of Fay Street from the intersection of East Geer Street to the intersection of Cheek Road; and

To adopt an Order permanently closing a 298 linear foot portion of Fay Street from the intersection of East Geer Street to the intersection of Cheek Road conditioned on the recombination of lots and the dedication of easements for such property deemed sufficient by the City was approved at 9:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Ordinance #13386

Items pulled from Consent Agenda

Subject: 2007 Legislative Program

Mayor Bell made comments on the issue of bullets raised by Melvin Whitely and asked the City Attorney to bring information concerning this item to the Work Session.

Council Member Stith asked that his vote be reflected as no on Resolutions 5, 9 and 11.

It was indicated that Item 2 under General Law has been referred back to the administration.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve the 2007 Legislative Program was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

Note: Council Member Stith voted no on the following Resolutions:

Resolution in support of legislation requested by the North Carolina League of Municipalities to provide municipalities with a menu of local option, dedicated revenue sources to meet infrastructure needs such as water, sewer and transportation; and

Resolution in support of the request of Durham County for enabling authority to adopt an adequate public facilities ordinance and levy impact fees on new development to help defray the costs of needed capital improvements for schools.

Resolution in support of the request of Durham County for a one percent prepared food tax to support implementation of the Durham Cultural Master Plan and related activities.

CITY OF DURHAM 2007 LEGISLATIVE PROGRAM

- I. Charter Amendments/Local Bills
- 1. Reduction of Period for Boarded-Up Houses from One Year to Six Months.
- 2. Expedite Proceedings Against Chronic Violators of the City's "Weedy Lot" and Refuse and Debris Ordinances.
- 3. Removal of Percentage Cap on Petitioned Noncontiguous (Satellite) Annexations.
- II. General Law
- 1. Statewide Employment Discrimination Legislation.
- 2. <u>Registration of Residential Rental Property</u>. Item was referred back to the administration.
- 3. Reimbursement for Emergency Relocation Costs of Tenants.
- 4. Maintain Records on Purchase of Scrap Copper.
- 5. Change Name of Firemen's Relief Fund.
- 6. Restore Municipal Authority to Regulate Smoking in Restaurants.
- 7. Statewide Ban on the Sale of "Rose Stems".
- III. Resolutions
- 1. Resolution in support of legislation requested by the North Carolina League of Municipalities to provide municipalities with a menu of local option, dedicated

revenue sources to meet infrastructure needs such as water, sewer and transportation. **Resolution #9430**

- Resolution in support of legislation requested by the North Carolina League of Municipalities to provide municipalities with additional authority to regulate nonresidential dilapidated structures. Resolution #9431
- 3. Resolution in support of House Bill 50 from the 2005 legislative session and the efforts of the North Carolina Conference of District Attorneys for enhanced punishment of persons convicted of committing a crime at the direction of a criminal street gang. **Resolution #9432**
- 4. Resolution in support of providing additional State resources for the Durham County court system. **Resolution #9433**
- 5. Resolution in support of the request of Durham County for enabling authority to adopt an adequate public facilities ordinance and levy impact fees on new development to help defray the costs of needed capital improvements for schools. **Resolution #9434**
- 6. Resolution in support of the request of Durham County to raise the required age of school attendance to age 17 in school year 2008-2009 and age 18 in school year 2010-2011. **Resolution #9435**
- 7. Resolution in support of the request of Durham County for a one percent prepared food tax to support implementation of the Durham Cultural Master Plan and related activities. **Resolution #9436**

Subject: Amendment to the Workforce Investment Act Contract with General Management Solutions, Inc. (GMSI) For Adult and Dislocated Worker Services

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the City Manager to execute an amendment to the Workforce Investment Act contract with General Management Solutions, Inc. to increase the contract amount by \$145,000.00 for a total of \$766,973.00; and

To authorize the City Manager to make modifications to the contract so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 9:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

<u>Subject: Update on the City of Durham on the Implementation of the 10-Year Plan to End Homelessness in Durham - Triangle United Way and Durham Affordable</u>
Housing Coalition

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive a presentation from Triangle United Way updating the City of Durham on the implementation of the 10-Year Plan to End Homelessness in Durham; and

To approve the implementing contract between the Triangle United Way and Durham Affordable Housing Coalition, the implementing agency, in an amount not to exceed \$74,880.00 was approved at 9:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

At this time during the meeting, Council Member Stith disclosed that his wife works for one of the organizations relative to the Lowe's Zoning Map Change [Z06-09].

Also, he requested an excused absence from the February 22, 2007 Work Session to deal with a family issue.

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to excuse Council Member Stith from the February 22, 2007 Work Session was approved at 9:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: None. Excused Absence: Council Member Catotti.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:08 p.m.

Linda E. Bratcher Deputy City Clerk D. Ann Gray, CMC City Clerk